## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

REED, et al.,	)
Plaintiffs,	) CASE NO. 1:08CV1761
vs.	) ) JUDGE CHRISTOPHER A. BOYKO )
FREEBIRD FILM PRODUCTIONS, INC., et al.,	) )
Defendants.	) ) )

## SUPPLEMENTAL DECLARATION OF ROSS SCHILLING

- I, Ross Schilling, having been duly sworn, do hereby depose and state:
- 1. In or around 2002, Lynyrd Skynyrd roadie Craig Reed ("Reed") turned over certain film footage that he shot in the band's early days. The footage consisted of literal movies of the band, primarily "behind the scenes," *i.e.*, backstage, on trains, in planes, and in hotel rooms.
- 2. At some point, Reed began publicly selling items such as backstage passes and official tour laminates, photographs of the Lynyrd Skynyrd band members, his film footage, and other items bearing the likenesses and trademarks of the Lynyrd Skynyrd band. Though the organization warned Reed not to conduct such activities without authorization, he continued to do so over the years, including through his website. The Lynyrd Skynyrd band, and in particular Gary Rossington, the late Billy Powell, and Johnny Van Zant, exercised patience with Reed and gave him much indulgence because he was on the plane that crashed in 1977. However, if Reed had not been on that plane

and a longstanding friend to the organization, Lynyrd Skynyrd would have terminated him prior to 2005 and pursued him like a common T-Shirt bootlegger long ago.

- 3. The footage shown in a portion of each concert where the deceased Ronnie Van Zant appears on a screen above the stage and appears to sing a duet with his brother, Johnny Van Zant, by means of having a screen placed above the group on stage is "Pepsi" footage from a 1970s San Francisco, California show. This footage is owned by the Lynyrd Skynyrd organization. Other footage of the original Lynyrd Skynyrd band performing back in the 1970s shot by third parties was also used by the Lynyrd Skynyrd organization from time to time. The only Reed footage used by the Lynyrd Skynyrd organization was "behind the scenes" footage, i.e., backstage, on trains, planes, in hotel rooms, etc.
- I do not recall that any of Reed's footage was ever used in any television 4. ads to promote Lynyrd Skynyrd concerts.
- I do not recall that the Lynyrd Skynyrd organization ever threatened Reed 5. with termination if he refused to agree to terms regarding the organization's use of Reed's footage.

I swear under penalty of perjury that the foregoing is true and accurate to the best of my knowledge and belief. n Thilly

Dated: March /, 2009